



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

**75 Hawthorne Street
San Francisco, CA 94105-3901**

June 18, 2009

Dr. Craig Foltz
ATST Program Manager
National Science Foundation
Division of Astronomical Sciences
4201 Wilson Boulevard, Room 1045
Arlington, VA 22230

Subject: Supplemental Draft Environmental Impact Statement (SDEIS) for the Advanced Technology Solar Telescope (ATST), Haleakala, Maui, Hawaii (CEQ# 20090147)

Dear Dr. Foltz:

The U.S. Environmental Protection Agency (EPA) has reviewed the above-referenced document pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act. The NSF supplemented the 2006 Draft Environmental Impact Statement (DEIS) to include an analysis of effects to the road in Haleakala National Park, and the results of additional studies were prepared in response to comments received on the DEIS.


EPA reviewed the Draft Environmental Impact Statement (DEIS) and provided comments to the National Science Foundation (NSF) on October 30, 2006. We rated the DEIS as Environmental Concerns - Insufficient Information (EC-2) due to the apparent underestimation of direct impacts on cultural and natural resources, insufficient detail regarding mitigation, cumulative impacts from construction and traffic, and impacts on endangered species. We requested additional information regarding impacts to Haleakala National Park, and the progress of the National Historic Preservation Act Section 106 consultation.

The Supplemental DEIS (SDEIS) contains substantially more information on impacts to Haleakala National Park and other resources and is much improved. It identifies impacts to Native Hawaiian sacred sites and cultural resources as major, adverse, and long-term. While such impacts are acknowledged to be unmitigable, the supplemental cultural impact assessment identified several mitigation proposals from the community that could allow Native Hawaiians to derive a benefit as a result of any project approval. We encourage the NSF to consider integrating one or more of these proposals into the proposed project or commit to implementing one or more as mitigation for identified impacts to cultural resources in the Final EIS.

The SDEIS adequately addresses our previous concerns and requests for additional information; therefore, we are rating the preferred alternative of the SDEIS as Lack of Objections (LO) (see enclosed "Summary of Rating Definitions"). We understand NSF will respond to comments on both the DEIS and SDEIS at the FEIS stage.

We appreciate the opportunity to review this SDEIS. When the Final SEIS is released for public review, please send one copy to the address above (mail code: CED-2). If you have any questions, please contact me at (415) 972-3521, or contact Karen Vitulano, the lead reviewer for this document, at 415-947-4178 or vitulano.karen@epa.gov.

Sincerely,

For 

Kathleen M. Goforth, Manager
Environmental Review Office (CED-2)

Enclosure: Summary of EPA Rating Definitions

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."